

Entered -07-17-01 - sb
CL 01L0366 - GWENDOLYN BURNS

CLAIM OF:

JOHN MCCANNON
2211 Verbena Street, #8
Atlanta, Georgia 30314

01-R-1402

For property damages alleged to have been sustained when a vehicle was flooded by storm water on June 7, 2001 at Metropolitan Parkway, SW & Mayland Avenue, SW.

THIS ADVERSED REPORT IS
APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSE REPORT SEP 17 2001

ADVERSE REPORT

PUBLIC SAFETY &

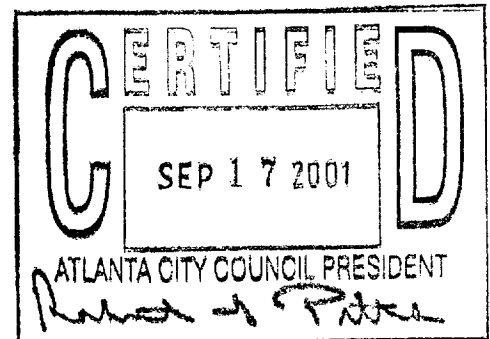
LEGAL ADMINISTRATION COMMITTEE

DATE: Public Safety

CHAIR: 9/17/01

C.T. Martin

Sherry Jones
[Signature]
[Signature]
[Signature]
[Signature]



CERTIFIED
SEP 17 2001

[Signature]
DEPUTY MUNICIPAL CLERK



**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

September 19, 2001

John McCannon
2211 Verbena Street, #8
Atlanta, Georgia 30314

01-R-1402

Dear Mr. McCannon:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on September 17, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0451

Date: August 17, 2000

Claimant /Victim JOHN MCCANNON
BY: (Atty) (Ins. Co.) _____
Address: 2211 Verbena Street, #8, Atlanta, Georgia 30314
Subrogation: _____ Claim for Property damage \$ Unspecified Bodily Injury \$ _____
Date of Notice: 7/12/01 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 6/7/01 Place: Metropolitan Parkway, SE & Mayland Avenue, SW
Department _____ Division _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that his vehicle sustained property damage when it was flooded by storm water while traveling on Metropolitan Parkway, SE. The claimant has been informed that Metropolitan Parkway, SE is a state route and is operated and maintained by the State of Georgia Department of Transportation. Additionally, the storm drains that are located along this route are maintained by the State as well. His claim has been forwarded to the State of Georgia for resolution.

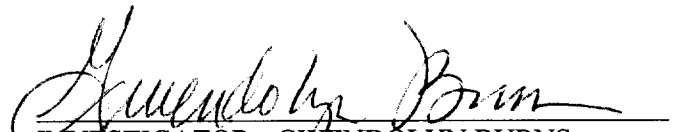
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other X
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____


BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved X Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 08-30-01
Committee Action: _____ Council Action _____

RCS# 3123
9/17/01
6:39 PM

Atlanta City Council

Regular Session

MULTIPLE
01-R-1402

Unfavorable Claims; Items 20-59

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 1
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	NV Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	E Maddox	NV Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

MULTIPLE